Frances M. Green Douglas Weiner Epstein Becker & Green, P.C. 250 Park Avenue New York, New York 10177 (212) 351-4500 Attorneys for Defendants

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

LUIS RAMIREZ, Individually on Behalf of All Other Persons Similarly Situated,

Plaintiffs,

-against-

MANSIONS CATERING, INC., SAM MILLIKEN and JOHN DOES #1-10, Jointly and Severally,

Defendants.

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**ECF CASE** 

08 CIV 4826 (CM)

STIPULATION TO EXTEND DEADLINE TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT AND AGREEMENT TO TOLL STATUTE OF LIMITATIONS

IT IS HEREBY STIPULATED and agreed by the attorneys for Plaintiff Luis Ramirez ("Plaintiff") and Defendants Mansions Catering, Inc. 45 Downing Street, New York, New York, 10014, and Sam Milliken ("Defendants") that Defendants shall be granted an extension of time to and including August 5, 2008, to answer, move, or otherwise respond to Plaintiffs' Complaint in the above action. The parties previously stipulated to a 30 day tolling of the statute of limitations and a 30 day extension of time to answer which the Court kindly so ordered on June 26, 2008. Counsel for the parties respectfully request that this Honorable Court extend the time for Defendants to answer, move, or otherwise respond to Plaintiffs' Complaint in accord with the terms of this stipulation.

The Fair Labor Standards Act statute of limitations for any putative collective action members who opt in to this action shall be tolled from 12:00:01 a.m. on July 23, 2008 through the earlier of midnight on the date defendant files its response to plaintiffs' Complaint or August 5, 2008 whichever is earlier, provided however, that nothing in this Stipulation shall be deemed a waiver by Defendants of any argument that they may have, except to the extent that Defendants have agreed to toll the statute of limitations as described in this Stipulation.

Defendants waive any objection based on lack of or defective service of process and will accept service by their designated attorneys.

Dated: July 23, 2008

New York, New York

EPSTEIN BECKER & GREEN, P.C.

250 Park Avenue New York, NY 10177

By:

(Phone) (212) 351-450 (212) 661\098

Attorneys for Defendants

LAW OFFICE OF

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By: William C. Rand, Esq.

Attorneys for Plaintiffs

SO ORDERED:

The Honorable Coleen McMahon

This <u>25</u> day of \_\_\_\_